IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs : 24073, 24074 and 24075 of 2004

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WRIT PETITION NO.24073 OF 2004

Between:

M/s. G.M.R. Industries Limited, Ravivalasa Village, Tekkali Mandal, Srikakulam District, Rep. by its Managing Director,

K. Narayana Rao, S/o. Sambamurthy, aged 49 years, R/o 104, Durga Vihar, Secunderabad.

..... PETITIONER

AND

1 The Transmission Corporation of Andhra Pradesh Ltd,

Vidyuth Soudha, Hyderabad, Rep. by its Chairman &

Managing Director.
2 The Andhra Pradesh Electricity Regulatory Commission,

Singareni Bhavan, Red Hills, Hyderabad,
Rep. by its Chairman.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents in not disposing of the petitioner's representation dt. 27-8-2004, expeditiously for paying back the amounts deducted for the alleged quantum of excess energy delivered about 100% PLF during each 30 minute time block for the months from December, 2003 to June,

2004, in accordance with its communication Lr.No. CE/Comml. & IT/NCE/F-Biomass/D.No. 645/04, dt. 5-8-2004, as being illegal, arbitrary and violative of Arts. 14, 19(1) (g), 21 and 300-A of the Constitution of India apart from the principles of natural justice and consequently direct the respondents to dispose of the representation dated 27-8-2004 , and the reminders thereto forthwith and pass such other order or orders

WRIT PETITION NO : 24074 of 2004

Between:

M/s. Kakatiya Cement, Sugar & Industries Ltd., Having its registered office at : 1-10-140/1, Guru Krupa,
Ashok Nagar, Hyderabad - 20, Rep by its Company Secretary Sri A. Satyanarayana, S/o. A. Kailasam, aged 36 years,
residing at 1-9-252/9/119 Ram Nagar, Hyderabad - 500 020

..... PETITIONER

AND

1 Transmission Corporation of Andhra Pradesh Ltd., Vidyuth

Soudha, Hyderabad, rep by its Chairman & Managing

Director.
2 Andhra Pradesh Electricity Regulatory Commission,

Singareni Bhavan, Red Hills, Hyderabad,
Rep by its Chairman.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the inaction of the Respondents in not disposing of our representation, dt. 27-8-2004, expeditiously for paying back the amounts deducted for the alleged quantum of excess energy delivered above 100% PLF during each 30 minute time block for the months from December, 2003 to June, 2004, in accordance with its communication in Lr.No. CE/Coml. & IT/NCE/F-Biomass/D.No. 645/04, dt. 05-8-2004, as being illegal, arbitrary and violative of Articles 14, 19 (1)(g) 21, & 300-A of the Constitution of India, apart from the principles of natural justice, and consequently direct the respondents to dispose of the representation dated 27-8-2004, and the reminders thereto forthwith.

WRIT PETITION NO : 24075 of 2004

Between:

M/s. Sagar Sugars & Allied Products Ltd,Having its Registered Office at Nelavoy village,R/o Rangarajapuram Mandal,

Chittoor District. Rep. by its Company Personnel Manager, Sri Mohan Rami Reddy s/o E. Durai Swamy Reddy, age 45 years, R/o. Nelavoy village, Sri Rangarajapuram Mandal, Chittoor District.

..... PETITIONER

AND

1 Transmission Corporation of Andhra Pradesh Ltd, Vidyuth Soudha, Hyderabad, Rep. by its Chairman & Managing Director.
2 Andhra Pradesh Electricity Regulatory Commission, Singareni Bhavan, Red Hills, Hyderabad, Rep. by its Chairman.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the inaction of the Respondents in not disposing of our representation, dt. 26-8-2004, expeditiously for paying back the amounts deducted for the alleged quantum of excess energy delivered above 100% PLF during each 30 minute time block for the months from December, 2003 to June, 2004, in accordance with its communication in Lr.No. CE/Coml & IT/NCE/F-Biomass/D.No. 645/04, dt. 5-8-2004, as being illegal, arbitrary and violative of Articles 14, 19 (1) (g), 21 and 300-A of the Constitution of India, apart from the principles of natural justice, and consequently direct the respondents to dispose of the representation dated 26-8-2004, and the reminders thereto forthwith, and pass such other order or orders

Counsel for the Petitioners:MR.J.N.BHUSHAN

Counsel for the Respondent No.1: SMT.M.VINOBHA DEVI

Counsel for the Respondent No.2: Mr.P.Sri RahuRam

The Court, at the stage of admission, made the following:

COMMON ORDER

Petitioners have filed writ petitions feeling aggrieved by certain proceedings issued by the respondents, in relation to plant load factor. The writ petitions were withdrawn, in view of the letters, dated 05.08.2004, addressed by the respondents. According to the petitioners they are entitled to be refunded certain amount, in view of the decision taken by them, which is contained in the letter, dated 05.08.2004. They claim to have made representations, in this regard, in August 2004, seeking the refund of the said amount. They complain that no action has been taken thereon,

and seek appropriate directions in this regard.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

The limited grievance of the petitioners is about the inaction on the part of the respondents in disposing of the representations submitted in August 2004. This Court cannot decide the actual entitlement or otherwise of the petitioners, at this stage. It is for the respondents to examine the representations and take appropriate decision. Inasmuch as the petitioners claim to have acted on the representation made by the respondents and withdrawn the writ petitions, the respondents cannot delay the matter indefinitely.

Hence, the writ petitions are disposed of directing the respondents to pass appropriate orders on the representations submitted by the petitioners in August 2004, within three weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 23rd December, 2004

Note: Office to furnish copy

by 24.12.2004

(B/o.)

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To

1 The Chairman & Managing Director,
The Transmission Corporation of Andhra Pradesh Ltd,

Vidyuth Soudha, Hyderabad.

2 The Chairman, The Andhra Pradesh Electricity Regulatory

Commission, Singareni Bhavan, Red Hills, Hyderabad.
3 2 CD copies.